

Exhibit 6

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

Plaintiffs' Second Amended Notice of Deposition Pursuant to Rule 30(b)(6)

TO: Defendant Ed Serna, Executive Director, Texas Workforce Commission, in his official capacity, by and through his attorney of record, Joseph Keeney (joseph.keeney@oag.texas.gov) and Kyle Counce (kyle.counce@oag.texas.gov)

Pursuant to Fed. R. Civ. P. 30(b)(6), Plaintiffs provide notice of their intent to continue the deposition of representative(s) of the Texas Workforce Commission on July 10th, 2023, at 9:00 A.M. Central. The subject matters on which the representative(s) will be deposed are set forth in Attachment A. The deposition may be used upon trial of this case, and will continue from day to day until completed. This deposition is being taken pursuant to Rules 26 and 30 of the Federal Rules of Civil Procedure. By means of this notice, Plaintiffs request pursuant to Rule 30(b)(6) that Defendant confer with them in good faith about the matters for examination.

PLEASE TAKE FURTHER NOTICE THAT:

1. Pursuant to the parties' agreement, the deposition will be conducted remotely using Zoom videoconferencing software. Plaintiffs will share a link for the videoconference at the time of the deposition;
2. Bryant Stingley Court Reporting in McAllen TX, will provide the officer as required by Fed. R. Civ. P. 30(b)(5);
3. The court reporter will record the testimony; and
4. The deposition will be recorded electronically.

Sincerely,

TEXAS RIOGRANDE LEGAL AID, INC.

/s/ David Mauch

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CERTIFICATE OF SERVICE

I hereby certify that June 6th, 2023, I served Counsel for Defendant by email as follows:

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/s/ Dave Mauch

Dave Mauch

Attachment A – Rule 30(b)(6) Deposition Topics

Topics which the continued deposition will cover are bolded and underlined.

- 1. TWC's policies and practices for complying with appeal timeliness guidelines for first-level appeals of unemployment claims, pursuant to 20 C.F.R. § 650.**
2. TWC's actual timeliness in complying with appeal timeliness guidelines for first-level appeals of unemployment claims, pursuant to 20 C.F.R. § 650.
3. TWC's policies, practices, trainings, and guidance regarding the creation and service of notices to unemployment claimants, including:
 - a. Creation of forms and templates;
 - b. Document generation and construction;
 - c. How and when notices are generated and served to claimants;
 - d. Content of notices served to claimants; and,
 - e. Compliance with federal and constitutional requirements regarding notice to claimants.
- 4. TWC's policies, practices, training, and guidance regarding the investigation of unemployment claims for suspected fraud, including:**
 - a. The process by which the agency investigates fraud and determines whether a claimant has committed fraud;
 - b. The process by which the agency notifies a claimant of a fraud determination;
 - c. The process by which a claimant may challenge a fraud determination; and,
 - d. Policies related to waiver of overpaid benefits for claims on which there has been a fraud finding.
5. TWC's policies, practices, training, and guidance regarding identity verification for unemployment claimants, including:
 - a. Use of ID.me;
 - b. Alternative methods for claimants to verify their identity;
 - c. Notices given to claimants regarding identity verification;
 - d. When and how TWC determines that a claimant must verify their identity; and,
 - e. Claimants' ability to verify their identity at a local Workforce Solutions office.
6. TWC's capacity and call answer rates for unemployment claimants.
7. TWC's policies, practices, training, and guidance regarding waiver of overpaid unemployment benefits, including determinations of waiver and notices regarding determinations of waiver.

8. Information regarding statistics for overpayments of unemployment benefits, including the distribution of unemployment overpayments by cause (e.g., failure to provide identity, terminated for misconduct, did not respond to request for information, etc.).
9. Defendant's information systems and their management and administration, including email, unemployment claims system, and systems for reporting data on unemployment.
10. Defendant's efforts to search for responsive documents to Plaintiffs' discovery requests.
11. The factual and legal basis for the admissions and denials in Defendant's Answer to Plaintiffs' Complaint.
12. The factual and legal basis for the affirmative and other defenses raised in Defendant's Answer to Plaintiffs' Complaint.